

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE NAUTILUS GROUP, INC.,

Plaintiff,

v.

ICON HEALTH & FITNESS, INC.,

Defendant.

CASE NO. C02-2420RSM

ORDER DENYING SUMMARY
JUDGMENT

This matter comes before the Court on plaintiff's Cross-Motion for Partial Summary that the Crossbow Product Infringes Claim 12 of '057 Patent. (Dkt. #447). Plaintiff argues that the Crossbow meets every element of the claim, and therefore, summary judgment is appropriate in its favor.

The Court has already determined that the Crossbow does not contain rods with one fixed end, and one free end, and the Court continues to rely on the reasoning set forth in that Order. (Dkt. #519). As this Court has noted previously, if even one limitation of a claim is not met by an accused device, either literally or by equivalents, there is no infringement as a matter of law. *Lockheed Martin Corp. v. Space Systems/Loral, Inc.*, 324 F.3d 1308, 1321 (Fed. Cir. 2003). Accordingly, the Court finds that summary judgment in favor of plaintiff is not appropriate on this issue.

1 Accordingly, the Court does hereby ORDER:

2 (1) Plaintiff's Cross-Motion for Summary Judgment (Dkt. #447) is DENIED.

3 (2) The Clerk shall forward a copy of this Order to all counsel of record.

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5 DATED this _27_ day of May, 2005.

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8 RICARDO S. MARTINEZ
9 UNITED STATES DISTRICT JUDGE
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